

MONTANA LEGISLATIVE HISTORY

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Chapter 335 19 93

Bill H 635 S _____ Original bill & history C

H. Committee on Business & Economic Development S. Committee on Business & Industry

Hearing Date(s) Feb 18 ☒ C

Hearing Date(s) Mar 23 ☒ C

_____ ☐ C

Mar 26 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Date Out Feb 18 ☒ C

Mar 26 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

Note: Senate Exhibit # 3 is also in the
House minutes.

3/23	COMMITTEE REPORT—BILL CONCURRED		
3/25	2ND READING CONCURRED	49	0
3/26	3RD READING CONCURRED	46	0
	RETURNED TO HOUSE		
4/02	SIGNED BY SPEAKER		
4/06	SIGNED BY PRESIDENT		
4/07	TRANSMITTED TO GOVERNOR		
4/12	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 312		
	EFFECTIVE DATE: 07/01/93		

HB 634 INTRODUCED BY ELLIOTT

AUTHORIZE EXECUTIVE BRANCH PILOT PROJECT TO EXPLORE
MANAGEMENT STYLES AND ORGANIZATIONAL STRUCTURE

2/16	INTRODUCED		
2/16	REFERRED TO STATE ADMINISTRATION		
2/16	FIRST READING		
2/18	HEARING		
2/18	TABLED IN COMMITTEE		
2/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	95	5
2/23	3RD READING PASSED	96	3
	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO FINANCE & CLAIMS		
3/05	HEARING		
3/12	COMMITTEE REPORT—BILL CONCURRED		
3/13	2ND READING CONCURRED	44	3
3/15	3RD READING CONCURRED	44	5
	RETURNED TO HOUSE		
3/21	SIGNED BY SPEAKER		
3/24	SIGNED BY PRESIDENT		
3/29	TRANSMITTED TO GOVERNOR		
3/31	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 237		
	EFFECTIVE DATE: 03/31/93		

HB 635 INTRODUCED BY FAGG, ET AL.

ALLOW SECRETARY OF STATE TO REMOVE IMPROPER OR FRAUDULENT
LIEN FILINGS

BY REQUEST OF SECRETARY OF STATE

2/16	INTRODUCED		
2/16	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
2/16	FIRST READING		
2/16	FISCAL NOTE REQUESTED		
2/18	HEARING		
2/19	COMMITTEE REPORT—BILL PASSED		
2/20	FISCAL NOTE RECEIVED		
2/20	FISCAL NOTE PRINTED		
2/22	2ND READING PASSED AS AMENDED	95	3
2/24	3RD READING PASSED	98	1
	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO BUSINESS & INDUSTRY		
3/23	HEARING		
3/26	COMMITTEE REPORT—BILL CONCURRED		
3/27	2ND READING CONCURRED	45	0

3/29	3RD READING CONCURRED	47	0
	RETURNED TO HOUSE		
4/06	SIGNED BY SPEAKER		
4/07	SIGNED BY PRESIDENT		
4/08	TRANSMITTED TO GOVERNOR		
4/13	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 335		
	EFFECTIVE DATE: 10/01/93		

HB 636 INTRODUCED BY PAVLOVICH, ET AL.
PROHIBIT REFUSAL TO ACCEPT MEDICARE ASSIGNMENT

2/17	INTRODUCED		
2/17	REFERRED TO HUMAN SERVICES & AGING		
2/17	FIRST READING		
2/19	HEARING		
2/19	TABLED IN COMMITTEE		

HB 637 INTRODUCED BY RYAN, ET AL.
ESTABLISH MINIMUM POLICY LANGUAGE STANDARDS FOR
PROPERTY/CASUALTY INSURANCE POLICIES
BY REQUEST OF STATE AUDITOR

2/17	INTRODUCED		
2/17	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
2/17	FIRST READING		
2/19	HEARING		
2/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	100	0
2/23	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO BUSINESS & INDUSTRY		
3/09	HEARING		
3/13	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/16	2ND READING CONCURRED	50	0
3/17	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/01	2ND READING AMENDMENTS CONCURRED	97	0
4/02	3RD READING AMENDMENTS CONCURRED	98	1
4/13	SIGNED BY SPEAKER		
4/13	SIGNED BY PRESIDENT		
4/14	TRANSMITTED TO GOVERNOR		
4/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 416		
	EFFECTIVE DATE: 10/01/93		

HB 638 INTRODUCED BY GRIMES
PROHIBIT PLACEMENT OF STATUS OFFENDER IN STATE YOUTH
CORRECTIONAL FACILITY

BY REQUEST OF DEPARTMENT OF FAMILY SERVICES

2/17	INTRODUCED		
2/17	REFERRED TO JUDICIARY		
2/17	FIRST READING		
2/18	HEARING		
2/20	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/22	2ND READING PASSED	96	3
2/24	3RD READING PASSED	95	4

Vote: HB 461 BE TABLED. Motion carried 18 - 0.

EXECUTIVE ACTION ON HB 462

Motion: REP. PAVLOVICH MOVED HB 462 BE TABLED.

Discussion: None

Motion/Vote: REP. DAILY called the question. Voice vote was taken. Motion carried unanimously.

Vote: HB 462 BE TABLED. Motion carried 18 - 0.

HEARING ON HB 635

Opening Statement by Sponsor:

REP. RUSSELL FAGG, House District 89, Billings, said HB 635 deals with changing the lien laws with the Secretary of State's Office. He explained the bill: 1) section 1 states that a lapsed lien cannot be continued past five years after the lien has left without the signature of the debtor, and will limit the renewal of a lapsed lien to a reasonable time period so there will not be dead liens in the system, and will not have an effect on secured parties. The deletion of the retirement of the debtor's county of residence removes information no longer needed. In the past, information was required for conversion purposes when the liens shifted from county filing to state filing. 2) Section 2 removes transition language that was put in place when the system shifted from the county to state filing. 3) Section 3 language is no longer needed because the transition process has already taken place and is completed. Section 4 gives the Secretary of State the authority to reject or remove fraudulent or improper liens. He said the reason for the bill is because individuals around the state are misusing the UCC filing system by filing improper or fraudulent liens. He gave a synopsis of improper filing. An individual filed a lien against all three of the county commissioners in Yellowstone County, the county sheriff, several of the previous county commissioners, Governor Stephens, one of the supreme court judges, and several people from a law enforcement agency. It reads; "are to set forth, therein 'public bond' for the payment for the enclosed TRUE BILL set against a sovereign citizen. A draft will be drawn thereupon for the sum of \$8,000,000 in the above described lawful money of account in substance to be drawn off your substance for failure to protect a citizen of Montana in this republic state." If your "bond" is insufficient, your property will be attached to balance the difference and shortcoming, and if this is still not sufficient to satisfy in full claim, your "body" will be attached for the difference to balance the account, etc." REP. FAGG said this goes on and there isn't anything on the books to allow the

secretary of the state to take care of these kinds of liens. There is protection in HB 635 for proper liens and this will be explained by Mike Cooney. He said the Bankers Association was concerned about the bill, but are okay with it at this time.

Proponents' Testimony:

Mike Cooney, Secretary of State, said the main purpose of HB 635 is to stop the abuse of the Uniform Commercial Code (UCC) is required by the system. It cleans up the statutes by removing language, and provides provisions established for the transition of moving the UCC lien filing system from the clerk and recorder's offices to the office of the secretary of state. He said liens like the above mentioned by REP. FAGG are usually filed when an individual is mad at the system or an official, who can file a UCC lien naming the individual as the debtor and listing a person's property as collateral for some fictional debt. He said usually the secretary of state's office is able to get out of these types of liens because they fail to have the debtor's signature or some other defect. He said HB 635 contains language that will protect legitimate liens from being removed from the system by giving the names of the secured parties. This bill will not keep the legitimate users from using the UCC filing system. EXHIBIT 12

Peter Funk, Assistant Attorney General, Department of Justice, said they strongly support giving the secretary of state the ability to reject these fraudulent liens, and will still protect the valid lien holders.

Roger Tippy, representing the Montana Independent Association, said they support HB 635.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. WAGNER asked Peter Funk if there were any legitimate charges from these people to file liens and go to court? Mr. Funk said there isn't any evaluation process that goes on prior to the filing of a complaint. He said people that file fraudulent liens have discovered they can create a lot of work and expenditure of resources on behalf of the government by filing these documents.

Closing by Sponsor:

REP. FAGG closed and asked the committee to give HB 635 a do pass recommendation.

EXECUTIVE ACTION ON HB 635

Motion: REP. COCCHIARELLA MOVED HB 635 DO PASS.

Discussion: None

Motion/Vote: REP. BARNETT called the question. Voice vote was taken. Motion carried unanimously.

Vote: HB 635 DO PASS. Motion carried 18 - 0.

EXECUTIVE ACTION ON HB 585

Motion: REP. COCCHIARELLA MOVED HB 585 DO PASS.

Discussion: REP. BARNETT said the subcommittee directed Todd Everts to draw up some amendments that would compromise both sides.

Todd Everts, EQC staff, said he drafted HB 585. He said there were 50 amendments, but the EQC and the secretary of state's office were able to resolve the issues and came to a compromise with everyone involved. The amendments strike the certification program; the permitting process; the civil penalties; the amendments to the sunrise laws for licensing procedures; inserts an educational program and proficiency listing for persons engaged in radon or related occupations; and makes disclosure to the department voluntary. EXHIBIT 19

REP. COCCHIARELLA moved to adopt amendments (see exhibit 19). Voice vote was taken. Motion carried unanimously.

Motion/Vote: REP. COCCHIARELLA MOVED HB 585 DO PASS AS AMENDED. The questions was called. Voice vote was taken. Motion carried unanimously.

Vote: HB 585 DO PASS AS AMENDED. Motion carried 18 - 0.

EXECUTIVE ACTION ON HB 548

Motion: REP. PAVLOVICH MOVED HB 548 DO PASS.

Discussion: REP. PAVLOVICH moved to adopt the amendments drafted by David Niss, Legislative Council. REP. PAVLOVICH said these amendments are proposed by the tobacco industry, and explained the amendment to the committee. REP. BRANDEWIE called the question. Voice vote was taken. Motion carried 16 - 2 with REPS. DOWELL AND MILLS voting no. EXHIBIT 13

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

ROLL CALL

DATE

2-18-93

NAME	PRESENT	ABSENT	EXCUSED
REP. ALVIN ELLIS	✓		
REP. DICK KNOX	✓		
REP. NORM MILLS	✓		
REP. JOE BARNETT	✓		
REP. RAY BRANDEWIE	✓		
REP. JACK HERRON	✓		
REP. TIM DOWELL	✓		
REP. CARLEY TUSS	✓		
REP. STELLA JEAN HANSEN	✓		
REP. BOB PAVLOVICH	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRITZ DAILY	✓		
REP. BOB BACHINI	✓		
REP. DON LARSON	✓		
REP. BRUCE SIMON	✓		
REP. DOUG WAGNER	✓		
REP. SONNY HANSON, VICE CHAIRMAN	✓		
REP. STEVE BENEDICT, CHAIRMAN	✓		

HR:1993

wp.rollcall.man

HOUSE STANDING COMMITTEE REPORT

February 18, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 635 (first reading copy -- white) do pass.

Signed: _____
Steve Benedict, Chair

Committee Vote:
Yes _____, No _____.

401413SC.Has

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

COMMITTEE

BILL NO. 13635

SPONSOR (S)

R Fagg

PLEASE PRINT

PLEASE PRINT

[illegible]

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

person has cash which they want to put into a checking account, they may not put that money into an interest bearing checking account. He stated HB 543 would allow for the idle cash to be placed in a money market or interest bearing checking account.

Proponents' Testimony:

Ron Waterman, Federated Cash Management, stated HB 543 would provide for uniformity. He stated HB 543 is identical to a bill which has passed 19 legislatures across the nation and is being considered in another 12 legislatures.

Bill Leary, Montana Bankers Association, stated his support of HB 543.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

Representative Benedict closed on HB 543.

HEARING ON HB 635

Opening Statement by Sponsor:

Representative Russell Fagg, House District 89, stated HB 635 would allow the Secretary of State or a filing officer to remove fraudulent or improper liens. He stated HB 635 came about because people were filing improper liens for fraudulent purposes. He supplied the Committee with a copy of a fraudulent lien (Exhibit #3). He went over the bill with the Committee. He stated HB 635 would have the filing officer notify the secured party of the removal of a fraudulent lien. The notification would act as a security tool so any liens which are not fraudulent but appear to be will be kept on the system.

Proponents' Testimony:

Garth Jacobson, Secretary of State, read from prepared testimony in support of HB 635 (Exhibit #4).

Peter Funk, Attorney General's Office, stated his support of HB

635. He stated HB 635 would provide a protection for the lien holders against a weakness in the system.

Opponents' Testimony:

Warren Stone stated HB 635 was an oppressive measure by the government. He stated HB 635 would also inhibit freedom. He stated HB 635 was unnecessary because the procedures of filing a lien with the Secretary are already in place. He stated HB 635 would give the Secretary discriminatory powers over liens. He stated HB 635 was in violation of Article 6 of the constitution. He stated Article 6 states the purpose of the government officials is to keep public records in their office and to perform such other duties as described by law.

Questions From Committee Members and Responses:

Senator Gage asked Mr. Jacobson what a "filing officer" was. Mr. Jacobson stated a filing officer is either the Clerk and Recorder or the Secretary of State. Referring to page 11, subsection 2, Senator Gage asked Mr. Jacobson how they determine if a person is adversely affected. Mr. Jacobson stated the language in subsection 2 would only become effective if the lien was determined to be fraudulent and it would be enforced by the courts. He stated the damages awarded would be based upon the fraudulent lien and the damages done by the lien.

Senator Klampe asked Mr. Jacobson how a person could be adversely effected by a lien which had been determined fraudulent. Mr. Jacobson stated the fraudulent liens cause damages because the liens are on the system and if a person with a fraudulent lien against them wants to get a loan, the system is checked. He stated if a lending institution checks the system for outstanding liens, and finds the liens, then they may deny the person a loan. He stated the lender has no idea the liens are fraudulent because the system only shows a lien, and has no indicator the lien is false. He stated the previous system of removal of a fraudulent lien was to go to court and prove the lien was invalid. He stated HB 635 would allow for the people to go through an administrative process rather than a court process.

Senator Rea asked Mr. Jacobson if a Clerk and Recorder refused to take a lien, what recourse would the filer of the lien have. Mr. Jacobson stated the individual would have the recourse of filing of a "writ of mandamus" which would force the entity to file the lien. He stated the liens which are fraudulent have not had the signature of the debtors, which means nobody had consented to the lien.

Senator Klampe asked Mr. Jacobson what would happen if a person submits a lien and the lien was later found to be improper. Mr. Jacobson stated the liens must meet minimum requirements to be

considered a proper lien and to be filed. He stated if the lien is filed and then later determined to be improper, then the provisions of HB 635 would allow for the removal of the lien from the system.

Senator Klampe asked Mr. Jacobson if the responsibility for determination of fraudulent liens was on the filing clerk. Mr. Jacobson stated the filing officer was not responsible because they have to refer to minimum standards for a lien to be filed.

Senator Lynch asked Mr. Jacobson if there had to be a debtors signature on a lien. Mr. Jacobson stated there had to be a debtors signature on a lien or they will be rejected under HB 635. He stated there are ways to get around the need for a debtors signature.

Senator Christiaens asked Mr. Jacobson what the remedy for a fraudulent lien was. Mr. Jacobson stated the remedy was treble damages of the amount of the injury.

Closing by Sponsor:

Representative Fagg, stated HB 635 was supported by the Independent Bankers Association in the House. He stated under current law, anyone can file a lien against anyone and without any technical problems, the liens cannot be pulled. He stated if there is any question or doubt about the legitimacy of a lien, it will not be pulled.

HEARING ON HB 237

Opening Statement by Sponsor:

Representative Ed Grady, House District 47, stated HB 237 would decrease the licensing fee for public swimming pools from \$75 to \$50.

Proponents' Testimony:

Mitzi Schwab, Department of Health, read from prepared testimony in support of HB 237 (Exhibit #5).

Robert Dunlop, Owner, KOA Campground, stated he found the discrepancy in the amounts being charged people and brought it to the attention of the Department of Health. He stated his support of HB 237.

Opponents' Testimony:

ROLL CALL

SENATE COMMITTEE Business & Industry DATE 3/23/94

NAME

PRESENT ABSENT

EXCUSED

Senator Lynch	✓		
Senator Christiaens	✓		
Senator Brenden	✓		
Senator Gage	✓		
Senator Hager			✓
Senator Harding	✓		
Senator Kennedy	✓		
Senator Klampe	✓		
Senator Koehnke	✓		
Senator Mesaros	✓		
Senator Rea	✓		
Senator Bruski-Maus	✓		
Senator Wilson	✓		

- a. Please TYPE this form.
b. Remove Secured Party and Debtor copies and submit remaining set to the Secretary of State with the \$7.00 Filing Fee.
c. The Secretary of State will return the pink copy as an acknowledgment. At a later time, Secured Party may date and sign the termination legend on this copy and use it as a Termination Statement.
d. If the space provided for any item(s) is inadequate, the item(s) should be continued on additional sheets. Only one copy of such additional sheets need be presented with this set.
No additional fee.

This FINANCING STATEMENT is presented to a filing officer for filing pursuant to the Uniform Commercial Code.

Name and Address of Debtor Shelley M. Cheney Office of Clerk and Recourder Gallatin County Courthouse Bozeman, Montana see attachments accommodation party under UCC 3-415 Social Security/Tax ID # <u>145062984</u> County of Residence <u>Gallatin</u>	Name and Address of Secured Party LeRoy M. Schweitzer c o Postal Address NON-DOMESTIC NON-RESIDENT 4874 Itana Circle Bozeman, Montana state (republic) Texas v White(1869) Pre-paid Acct. # <u>000240743</u>	Montana Secretary of State Filing Officer
Name and Address of Debtor Mike Chestnut Office of Sheriff Law and Justice Center Bozeman, Montana see attachments accommodation party under UCC 3-415 Social Security/Tax ID # <u>145062985</u> County of Residence <u>Gallatin</u>	Type of Filing - MUST check one ☒ Commercial Filing 30-9-401(1)(c) ☒ Agricultural Filing 30-9-403(8)	Name and Address of Assignee of Secured Party Lou Aleksich, Jr. by accommodation signature by LeRoy M. Schweitzer, prior lienholder, see Certificate of Nationality of file at Gallatin County Courthouse Bozeman, Montana state Pre-paid Account # <u>000240743</u>
Name and Address of Debtor William A. Cohan 1410 Santa Fe Drive Encinitas, Ca. 92024 see attachments accommodation party under UCC 3-415 Social Security/Tax ID # <u>145062986</u> County of Residence _____	☒ Transmitting Utility 30-9-409 <u>000240743</u> ☒ Informational Filing <u>000240743</u> PRIVATE HOMESTEAD DOCKET NO.	Name and Address of Record Owner or of Lessee of Real Estate Concerned: LeRoy M. Schweitzer c o Postal Office Address NON-DOMESTIC NON-RESIDENT 4874 Itana Circle Bozeman, Montana state united States' of America (Texas v White) 1869 state Citizen of Montana

This Financing Statement covers the following types (or items) of collateral. If the collateral is agricultural products be specific as to type of product(s); example: wheat, barley, cattle, hogs, milk, honey, etc. (If collateral is crops growing or to be grown or goods which are or are to become, fixtures, also describe real estate concerned and add name and address of record owner or record lessee of real estate):

(See: attachments)

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 3

DATE 3/23/93

BILL NO. HB 635

To be completed if applicable: The above listed agricultural product(s) is produced/located in
Montana state (republic) includes any of the 56 county(ies).

Check ☒ If covered. ☒ Proceeds of collateral are also covered. ☒ Products of collateral are also covered. Number of additional sheets presented: 6

This statement is filed without the debtor's signature to perfect a security interest in collateral (check appropriate box)

- ☐ already subject to a security interest in the state of _____ when it was brought into this state, or
☒ which is proceeds of the original collateral described above in which a security interest was perfected.

"without prejudice" UCC 1-207 under 3-50

"without recourse" MCA 30-1-207

Signature(s) of Debtor(s)

By:

Signature(s) of Secured Party(ies)

of August, 1992 ex officio

SECURED PROPERTIES AND COLLATERAL

As security for and in consideration of all past, present, and future advances, claims, and other obligations, Debtor hereby grants LeRoy M. Schweitzer a security interest in all of the following types and items of property ("Collateral" herein) in which Debtor has and hereafter acquires any and all rights, titles, and interest, and rights present, past, and future wheresoever located and whether in possession of the Debtor, a warehouseman, bailee, trustee, agent, and/or other person, and all increases, therein and replacement products, proceeds, including the Bond/Body/Corporeal and incorporeal hereditaments, thereof. Proceeds include but are not limited to inventory, returned merchandise, accounts, chattel papers, general intangibles, insurance proceeds, documents and writings, money, goods, equipment, instruments (negotiable and non-negotiable), and any and all tangible and intangible properties arising under the sale, lease, if need be by payment through draft, and all dispositions of collateral, and includes the bonds, Bodies, and collateral herein, hereafter referred to as "Assets". This is to be set for payment, unless otherwise stated, by draft as substance in (Distress Warrant), for remedy of injuries inflicted upon Secured party, an innocent Citizen of Montana (the republic) by Priority lien. Acknowledgment of remedy and release of Citizen with no restrictions set thereon, as a Free White Man, and ALL properties are set by (9-103, & 10-104) for multi State/state collection. Errors have been made upon a Free Sovereign White Man of the Republic de jure Montana state Citizen with no connection to the corporate United States/Montana state, and who is not a "citizen of the United States/United States citizen", i.e., the District of Columbia. Injuries set the Secured party are in the amount of 8,000,000 Dollars of substance in Lawful Money of Account in Gold or Silver in specie of united States of America minted Coin in which this claim arises. Therefore, instructions are as follows for Debtors.

Kris A. McLean, Dorris M. Poppler, John Whelan, Paul G. Hatfield, Carl E. Rostad, Lou Aleksich, Jr., and Stan Stephens are to set forth their "Public Bonds" for the payment of the "TRUE BILL" set against a sovereign Citizen. A draft will be drawn thereupon for the sum of 8,000,000 in above described Lawful Money of Account in substance to be drawn off your substance for failure to protect a Citizen of Montana in this republic state. If your "Bond" is insufficient, your property will be attached to balance the difference and shortcoming, and if this is still not sufficient to satisfy in full this claim, your "Body" will be attached for the difference to balance the account. This will be further set with the Secretary of Commerce for notification of your obligations to a Citizen of Montana (the republic). Your lien will be set for a term of 100 years or until all obligations are herein set and fulfilled to the Secured party's acknowledgment and only then will a release be set. If any property (Collateral herein) is taken to satisfy this claim, you will be held for the loss with no recourse toward the Secured party. The draft will be set payable the the United States of America Treasury as "Non-negotiable" to be paid upon receipt thereof, directed to the United States District Court, Butte Division, Butte, Montana for them to direct

to the appropriate parties for collection and to direct the Sheriff of Gallatin County to collect the substance for payment (Balance) of the "TRUE BILL". Only by the hand and seal of the Secured party can release be given and he must be of sound mind, claimed sane, and alive, and in good health as at the time of unlawful imprisonment into a foreign corporate country, and no power is given to anyone else to allow release of this obligation (lien). These are your notices.

Stan Stephens is instructed to do the following:

Mr. Stephens is liable for the State in whole, both the corporate state and the "Protection" of the Republic State, that being each white Citizen of Montana, individually. He has chosen to side with the corporate United States, therefore, he is a foreigner in which he must now be bonded in fact to perform for the Republic of Montana. Therefore, by his failure to uphold the Republic of Montana and protect its Citizens, especially the Secured party, a Bond of 8,000,000 Dollars as above described and identified is set in draft form to aid in the balance of the account ("TRUE BILL") for this private Citizen of Montana to redeem his freedom. If he does not wish this to be sent forth, he is to take whatever measures are needed to secure the freedom of this Citizen of Montana, including, but not limited to calling out the "Militia" of the State to secure it from foreign "Agents". This order comes from the State itself being "we the People" are the State, [Texas v. White, 1869], and if needed, call upon the Sheriff for further assistance to protect the People, and to have returned the Secured party to his Sovereign domicile dwelling, Montana state. Any aid that he deems necessary to return the "Safe" return of the Secured party, is hereby and by the State authorized. This claim is set for 100 years and can only be released by the Secured party's hand and seal. No power of attorney is given to anyone for this release, and in order to secure this release, the Bill must be balanced, or the safe return of the Secured party to complete freedom under this Republic with no ties or nexus of future wrongs be set thereon, nor harassments, abuse, nor any other wrongs toward this private Citizen of Montana (the Republic). If draft is set for balance account, and if your "Bond" does not cover such, then all collateral herein set will be collected for debt. If collateral does not cover debt of the draft, then your "Body" will be attached for account, and you will serve the time needed for balance thereof. This is your notice.

"without prejudice" with explicit reservation of all
absolute rights UCC 1-207 under 3-505
without recourse" MCA 30-1-207

 "U.F.
SECURED PARTY: M. Schweitzer

Lou Aleksich, Jr. is directed to do the following:

Mr. Alecksich, Jr., Clerk of the United States District Court, Butte Division, Butte, Montana, is hereby directed that an accommodation signature (UCC 3-415) will be set forth since you are bonded and no longer can function within your corporate capacity. If you act in your sovereign capacity as the True United States' Magistrate and set forth the order for the immediate release of the Secured Party, being a Citizen of Montana (the Republic), you would obtain immediate release from this claim set against you for denial of rights as set within your letter filed March, 2, 1992 in regards to cause/chattel No. CR 91-BU-FGH. If you act within this capacity, you are to file, instruct, and direct the appropriate papers to the proper parties for the immediate release of the Secured party. This is your alternate function within this Court, and you have this power to perform and correct the errors set against the Secured Party and the violations of his substantial, GOD given, and protected rights by the Constitution of 1787, which you have also violated. A draft is being drawn off your bond for the sum of substance in the balance of 8,000,000 Dollars above described and identified, and will be set against the collateral assets herein listed. If your collateral assets will not cover this draft, your body will be required to balance the claim herein set and will be collected for the service thereof as set within the commerce requirements the "lawyers" have placed upon you and all individuals. Only by the immediate release of this Sovereign Citizen of Montana (the republic), being held within a Foreign Customs Warehouse, will acknowledgment of your release from your/these obligations be set forth. This is a 100 year lien and can only be nullified by the hand and seal of the Secured Party and none other. You are further instructed to call up the balance of the alleged "TRUE BILL", so the balance may be satisfied if any Bill exists, and direct the drafts to the United States Department of Justice, c/o The Citizens and Southern National Bank, P.O. Box 100573, Atlanta, Georgia 30384, to Account # TRAT 33332891007YXCF and Collection Office: IAN, Transmitting Utility # (319) 363-6333, where balance will be settled if a balance exists and direct for immediate release of the Secured Party from the Foreign country which holds him (Title 18 USC 4107, 4108). Additionally, any and all documents, (Petitions, Affidavits, Writs, and any others) sent by the Secured Party, will be directed to the appropriate justices or judges for correction of errors therein stated by the Hand and Seal of this Sovereign Secured party for immediate remedy therefrom. This is your notice.

[HABEAS CORPUS WRIT ATTACHED]

All parties herein are set to follow the instruction set to the letter and give all aid thereby for the release of this Citizen of Montana (the republic) by the will of GOD Almighty through this lien. Only by the sound, safe, healthy and true signature of this Secured Party will any of these liens be released, for no one is given authority for such power by this individual, and only my Hand and My Seal can terminate this lien. If any draft is presented and set for collection, any collateral herein is deemed given without recourse upon the Secured party in which the Debtors

take all responsibilities therefrom. This is legal notice of the intent for "International Sight Draft", as serving for "Letter of Advice", (UC 3-701) and notice thereof.

PRESENTED RESPECTFULLY

"without prejudice" UCC -1-207 under 3-505 with
explicit reservation of all rights

ATTESTED

"without recourse" MCA 30-1-207

[Court Seal]

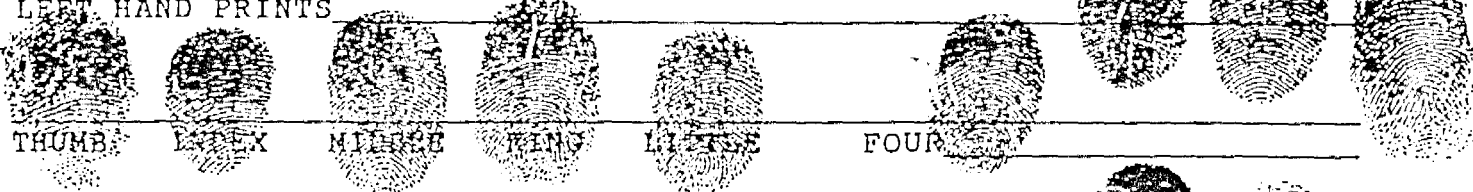
 LeRoy M. Schweitzer "U.D."
SECURED PARTY: LeRoy M. Schweitzer
sui juris, UNDER DURESS

Citizen of Montana (the Republic)

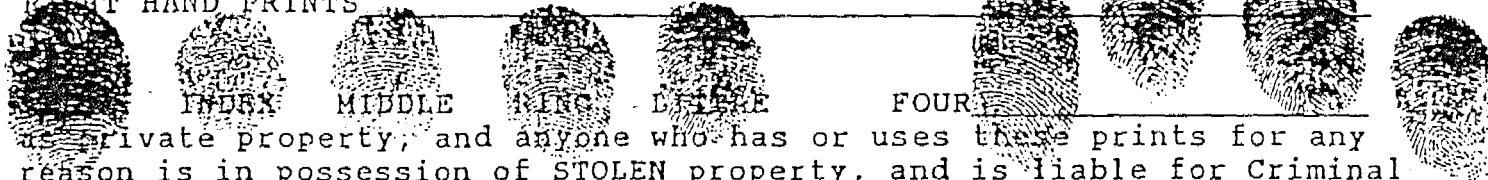
teste meipso this 16th day of July, in the year of our GOD Almighty
through our Redeemer Joshua the Messiah, A.D., 1992

Private corporate social security number as 517-42-3496, from the time of its obtaining by other parties, is and was set as private, and is not to be used for identification purposes as set upon the original card, and is hereby made private by filing, back dated to the time of first appearance, and if needed, will be further set by number 907-21-1938, as a non-resident number, being set explicitly for the sovereign Montana Citizen, and no part of the corporate state, unless chosen, and cannot be used against said sovereign Citizen of Montana (the Republic), by right to Contract without abuse of power as set in the National Constitution of 1787, backed by the Bill of Rights of 1791, Declaration of Independence of 1776, Magna Charta of 1215, and the Holy Bible, being the Word of our GOD Almighty through our Redeemer Joshua the Messiah. All finger prints are set:

LEFT HAND PRINTS



RIGHT HAND PRINTS



as private property, and anyone who has or uses these prints for any reason is in possession of STOLEN property, and is liable for Criminal Prosecution under the Laws of the Montana state Republic and the Common Law of the Land under the Republic de jure. FURTHER, all hand prints, licenses, cards, documents, writings, chattel paper(s), pictures, and/or anything in the possession and/or claimed by this Sovereign Citizen of Montana of these united States' of America, namely, LeRoy M. Schweitzer being an Allodial Citizen of Montana, is private property, and any use of it without explicit consent of this Sovereign in writing and under My Hand and My Seal is a Criminal Act and is Stolen Property under the Laws of the Republic and the Land. Such pictures as are as set forth: Inmate Account Cards given to this Sovereign, Drivers license, I.D. Cards, etc. including but not limited to photographs of any size. Any signatures obtained by force, fear, duress, intimidation, duress, coercion, deceit, cunning, misrepresentation, color of law and/or any way besides honesty and truth is null and void, and any signature is set as private property except those I willingly, knowingly, voluntarily and intentionally give by honest application of my own free will. All properties are private property, back dated (nunc pro tunc) to the time of birth of this Citizen of Montana (the Republic) as private property, and this filing supersedes any and all writings and documents that say otherwise, that is, was or/and obtained by this Citizen of Montana (the Republic), and if in the possession of another, unless authorized by this Citizen of Montana herein (Secured Party), is Stolen property, and those parties are liable

for Criminal charges under the Laws of the Land and the Montana state of the Republic state. This is set as Lawful and True, and is hereby signed, sealed and protected as truth and further sealed by the State truth.

ATTESTED:

[Court Seal]

"without prejudice" with explicit reservation of all rights, UCC 1-207 under 3-505

"without recourse" MCA 30-1-207

 LeRoy M. Schweitzer "U.D."
LeRoy M. Schweitzer, sui juris/elisor

[Texas v. White, 1869, STATE

teste meipso this 16th day of July, in the year of our GOD Almighty through Joshua the Messiah, A.D., 1992

Private property is set as BODY, described as:
Calcium, 2%; Carbon, 18%; Chlorine, 0.15%; Hydrogen, over 10%; Nitrogen 3%; Oxygen, 65%; Potassium, 0.35%; Sodium, 0.15%; Sulfur, 0.25%; also as: W/M/BD/07-21-1938; HT/6'1/2"; WT/190lb.; HR/BLD; EY/BL.

ATTACHMENTS:

Search Warrant of Dwelling with listing of Private Property thereon. All set hereon is private property, superseded by the State and this document as a Declaration of Private Property, and is set as Stolen Republic de jure State property, [Texas v. White, 1869]; and whoever has and/or has claimed and stolen such properties and/or destroyed such properties are held explicitly liable for Criminal activities, conspiracy to defraud the Republic de jure, along with any other Charges set upon the Laws of the Land and the Republic Montana state. If it is verified that Treason, War Conspiracy and any other High Crimes are being brought against the Republic of Montana by another State and/or corporation state, Country, Land, government, Nation, etc., they will be prosecuted by information and tried in and under the de jure Republic Montana state and de jure Citizens herein with no "United States citizens/citizens of the United States" nor any resident of the state of Montana or resident of the United States being involved. This is a sacred and sworn Declaration as truth and being known to this Republic de jure of Montana Citizen as truth. [Attachments hereto are set as private property in our de jure Republic state].

ATTESTED:

[Court Seal]

"without prejudice" with explicit reservation of all rights (UCC 1-207 under 3-505)

"without recourse" MCA 30-1-207

 LeRoy M. Schweitzer "U.D."
LeRoy M. Schweitzer, sui juris/elisor

[Texas v. White, 1869] STATE, Allodial Citizen of Montana state
teste meipso this 16th day of July, in the year of our GOD Almighty, through our Redeemer Joshua the Messiah, A.D., 1992

SECRETARY OF STATE
STATE OF MONTANA



Mike Cooney
Secretary of State

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 4

DATE 3/23/93

BILL NO. HB 635

Montana State Capitol
Helena, MT 59620

Testimony in Support of HB 635

Before the Senate Business and Industry Committee

Presented by Garth Jacobson

March 23, 1993

Mr. Chairman and members of the Senate Business and Economic Development Committee, for the record I am Garth Jacobson representing the office of the Secretary of State. I am here testifying in support of HB 635.

The main purpose of this bill is to stop abuse of the Uniform Commercial Code lien filing system. The bill also cleans up the statutes by removing language and provisions established for the transition of moving UCC agricultural lien filings from clerk and recorder's offices to the office of the Secretary of State.

During the past few years this office has received some very interesting, sometimes strange and often malicious UCC lien filings. Some of these filing could have slandered the title of the property of the targets of these filings. I brought along some copies of these "crazy" filings to show you the kind of mischief going on out there.

A typical one of these filings would involve an individual who is mad at somebody or some official and then wants to get

even. He then files a UCC lien naming that individual as the debtor and listing all of that persons property as collateral for some fictional debt. These liens may list elected officials, highway patrol, personnel from governmental agencies or individuals whom the person submitting the UCC filing just does not like.

The office of the Secretary of State has found reasons for the rejection of most of these liens. Usually they fail to have the debtors signature or have some other defect. In future if these people figure a way to get around those defects then it will be more important to have specific authority to reject or remove these fraudulent liens.

This bill contains language that protects legitimate liens from being removed from the system by giving the named secured party the opportunity to explain why the lien is not improper or fraudulent. In no way will this bill impede the legitimate users of the UCC filing system. It will stop people from abusing the UCC filing system.

In addition if one of these fraudulent liens somehow injured the target of the lien then that person could recover treble damages from the person submitting the lien. This would protect a person who's title of property has been slandered or credit rating may have been injured as a result of these liens.

The remainder of the bill contains some clean up language. A few provisions remove the filing requirement of having to list the county of the debtor. This requirement was put in during the transition of filing liens from the local level to the state

3-23-93

HB-635

level. This information is no longer needed. A second provision limits the amount of time a continuation statement can be filed without a debtors signature to 5 years. This results in being able to remove the deadwood from the system. Finally there is some language to clarify agricultural lien filing requirements.

As you can see there isn't a lot in this bill but it is important because it protects us against people who want to misuse the UCC System. Therefore I urge your favorable consideration of HB 635 and thank Representative Fagg for sponsoring this legislation.

DATE 3/23/93

SENATE COMMITTEE ON Business and Industry

BILLS BEING HEARD TODAY: HB 237, HB 394, HB 543, HB 635

Name	Representing	Bill No.	Check One	
			Support	Oppose
Robert Dunlop	myself	HB 237	✓	
Warren Stone	myself	HB 635		✓
Mitzi Schwab	DHES	HB 237	✓	
Bill LEARY	MT. BANKERS ASSN.	HB 543	✓	
Bob Swenson	Montana State University	HB 394	✓	
Rae Wademan	Fed Cash Management	HB 543	✓	
Jim Twissel	MT CHAMBER	HB 394	✓	
Gareth Jacobson	Sec of State	HB 635	✓	
Peter Funk	Dept. of Just.	HB 635	✓	
Phil Russell	MSTA	HB 394	✓	
Wendell Gustafson	UltraFem MSTA	HB 394	✓	
David F. Timmen	TMA Technology	HB 394	✓	
Keith L. Colbo	Private Capital Net	HB 394	✓	
Ken Williams	MPC/Entenck	HB-394	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Motion/Vote:

Senator Christiaens moved HB 619 BE AMENDED. The motion CARRIED UNANIMOUSLY.

Motion:

Senator Klampe moved HB 619 BE TABLED.

Discussion:

Senator Lynch stated HB 619 should not be tabled because the lien was never intended for anything other than medical services provided. He stated HB 619 would prevent the medical profession from "over-billing" a client.

Senator Gage asked if the word "medical" had been changed to "health". Mr. Campbell stated the change proposed by Ms. McCue would not solve any other problems associated with HB 352. He stated the Medical Association wanted to add "and products" to HB 619. Mr. Campbell stated he had added that change to HB 619.

Vote:

The motion FAILED on ROLL CALL VOTE.

Motion:

Senator Mesaros moved HB 619 BE CONCURRED IN AS AMENDED.

Discussion:

Senator Rea asked what would happen if HB 352 did not pass. Senator Lynch stated HB 352 was already passed.

Vote:

The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 635

Discussion:

Senator Klampe stated he felt HB 635 needed to be written more specifically. He asked how a filing officer would be able to determine if a lien was improper or fraudulent and stated the requirements for determination should be listed in HB 635.

Senator Mesaros stated the testimony claimed there were obvious things which would make a lien fraudulent. He stated the discretion was up to the filing officers.

Motion/Vote:

Senator Mesaros moved HB 635 BE CONCURRED IN.

Discussion:

Senator Klampe asked Senator Mesaros what an "obvious thing" would be on a lien which would make it fraudulent. Senator Mesaros replied mistaken such as no signature, partially filled out liens and other circumstances.

Senator Klampe stated the "obvious things" should be listed in HB 635. He stated HB 635 would allow filing officers to reject a lien at their discretion.

Senator Lynch stated the people should have faith in their elected officials.

Vote:

The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 422Discussion:

Senator Lynch announced there were amendments to HB 422. The amendments were supplied to the Committee and reviewed by Mr. Campbell (Exhibit #2).

Referring to Section 3, Senator Lynch asked if the mobile home park owner or landlord has to allow a meeting of the tenants.

Greg VanHorssen supplied the Committee with proposed amendments by the Income Property Managers Association (IPMA) (Exhibit #3). He stated there had been no concession between the IPMA and the mobile home tenants.

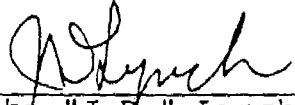
Senator Lynch asked Mr. Campbell if any of the amendments were current law. Mr. Campbell stated amendment #12 (Exhibit #2) was already applicable to the Landlord/Tenant Act (LTA) and was in the codes as a law relating to coercion and harassment. He stated the section is already covered in existing law. He stated Mr. Petesch felt the law addressed a specific relationship between the landlord and the tenant and would not cover the associations. Mr. Campbell stated he felt that if the landlord was harassing the association, they were harassing the tenants. Referring to the section dealing with snow removal, Mr. Campbell stated there is a general requirement that the landlord is responsible to keep a place clean and safe. He stated the general requirement was a "long reach" from the snow removal amendment. He stated the Montana courts have never interpreted

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 635 (third reading copy -- blue), respectfully report that House Bill No. 635 be concurred in.

Signed: 
Senator John "J.D." Lynch, Chair

W - Amd. Coord.
M Sec. of Senate

Mesavos
Senator Carrying Bill

681236SC.Sma